

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARL SHELDON DANIELS,
Petitioner,

CIVIL ACTION

v.

**JEROME WALSH, Superintendent, THE
DISTRICT ATTORNEY OF THE
COUNTY OF PHILADELPHIA, THE
ATTORNEY GENERAL OF THE STATE
OF PENNSYLVANIA,**
Respondents.

NO. 12-3461

ORDER


AND NOW, this 11th day of September, 2013, upon consideration of the Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by Petitioner, Carl Sheldon Daniels (Document No. 1, filed June 14, 2012), the Response to Petition for Writ of Habeas Corpus (Document No. 9, filed November 14, 2012), the record in this case, the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski dated August 13, 2013 (Document No. 11, filed August 31, 2013), the Objection to Proposed Findings of Report & Recommendation, (Document No. 13, filed August 30, 2013) and the Response to Petitioner's Objections to the Magistrate Judge's Report and Recommendation (Document No. 14, filed September 4, 2013), **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski dated August 13, 2013, is **APPROVED AND ADOPTED**;
2. Petitioner's Objection to Proposed Findings of Report & Recommendation is **OVERRULED** for the reasons stated in the Report and Recommendation;
3. The Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by Petitioner, Carl Sheldon Daniels, is **DISMISSED** on the ground that it was

untimely filed; and,

4. A certificate of appealability will not issue because reasonable jurists would not debate (a) this Court's decision that the petition does not state a valid claim of the denial of a constitutional right, or (b) the propriety of this Court's procedural rulings with respect to petitioner's claims. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:


DuBOIS, JAN E., J.